

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 14, 2005

**SENATE BILL**

**No. 846**

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**Introduced by Senator Aanestad**

February 22, 2005

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An act to add Section 27011.5 to the Government Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 846, as amended, Aanestad. Charter school funding.

Existing constitutional law authorizes the county treasurer to make temporary transfers of funds in custody of the treasurer, under specified conditions, as may be necessary to provide funds for meeting obligations incurred for the maintenance purposes by any county, city, district, or political subdivision whose funds are in custody and are paid solely through the treasurer's office.

This bill would authorize the county treasurer *of the county in which the school district or county board of education that granted the charter to the charter school is located* to accept for deposit in the county treasury money paid for the benefit of a charter school, provided that all public funds of the charter school are deposited with the county treasurer. This bill would require, if those funds are deposited with the county treasurer, that the county treasurer shall be designated as the treasurer for the charter school and the county treasury shall be the direct and sole depository of the charter school's public funds. This bill would permit a county treasurer to make a temporary transfer of funds to a charter school if all funds of the charter school are in the custody of the county treasurer and other specified conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27011.5 is added to the Government  
2 Code, to read:

3 27011.5. (a) *This section applies only to a charter school*  
4 *that was granted a charter by a school district or a county board*  
5 *of education pursuant to Article 2 (commencing with Section*  
6 *47605) of Chapter 2 of Part 26.8 of the Education Code.*

7 (b) Notwithstanding Section 27011, the county treasurer of the  
8 county in which the school district or county board of education  
9 that granted the charter to the charter school is located may  
10 accept for deposit in the county treasury money paid for the  
11 benefit of a charter school, established pursuant to Part 26.8  
12 (commencing with Section 47600) of the Education Code,  
13 provided that all public funds of the charter school are deposited  
14 with the county treasurer. If the public funds of the charter school  
15 are deposited with the county treasurer, the county treasurer shall  
16 be designated as the treasurer for the charter school and the  
17 county treasury shall be the direct and sole depository of the  
18 charter school's public funds. The term "public funds," as used in  
19 this section, means all federal, state, and local government  
20 funding, including any funds received in lieu of local property  
21 tax revenues and other local funds received pursuant to  
22 subdivision (b) of Section 47636 of the Education Code.

23 ~~(b)~~

24 (c) A county treasurer may, upon request, provide a temporary  
25 transfer of funds to a charter school only if all funds of the  
26 charter school are in the custody of the county treasurer and all of  
27 the requirements of Section 6 of Article XVI of the California  
28 Constitution are met.

29 ~~(e)~~

30 (d) The charter school shall be responsible for notifying the  
31 county treasurer of any change in its legal status.

32 ~~(d)~~

1     (e) This section shall not be construed to require a county  
2     treasurer to accept for deposit money paid for the benefit of a  
3     public charter school.

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